

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

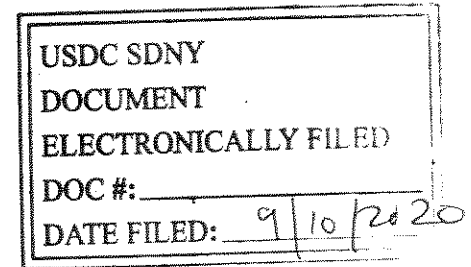
-v-

BRANDON GARDNER,

Defendant.  
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: 18cr317 (DLC)  
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: ORDER  
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DENISE COTE, District Judge:

On September 9, 2020, this Court issued an Order requiring defense counsel to inform the Court of the defendant's preference between an in person and videoconference proceeding by September 11. Defense counsel having informed the Court that he will require additional time to confer with the defendant, it is hereby

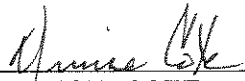
ORDERED that the September 11 conference is adjourned to **Friday, October 2 at 12:00 p.m.**

IT IS FURTHER ORDERED that defense counsel shall respond to the following two questions by **9:00 a.m. on September 18:**

- 1) If both an in-court and videoconference proceeding via CourtCall are available, does the defendant prefer to appear in an in-court proceeding in Courtroom 18B, 500 Pearl Street, or through videoconference technology via CourtCall?
- 2) If an in-court proceeding is unavailable, does the defendant consent to a videoconference proceeding via CourtCall?

If the defendant consents to a videoconference proceeding via CourtCall, either as a matter of preference or because an in-court proceeding is unavailable, please complete and submit the written consent form attached to this Order if it is feasible to do so.

Dated: New York, New York  
September 10, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge

April 1, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT  
AT CRIMINAL PROCEEDING**

\_\_\_\_\_  
,  
Defendant.

-CR- ( ) ( )

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**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my

attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: